

**CITY OF MILPITAS  
UNAPPROVED**

**PLANNING COMMISSION MINUTES**

**May 12, 2004**

**I.  
PLEDGE OF  
ALLEGIANCE**

**Chair Nitafan** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Nitafan, Lalwani, Galang, Garcia, Giordano, Mohsin and Sandhu  
Absent: None  
Staff: Carrington, Lindsay and Rodriguez

**III.  
PUBLIC FORUM**

Chair Nitafan invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

**IV.  
APPROVAL OF MINUTES  
April 28, 2004**

Chair Nitafan called for approval of the minutes of the Planning Commission meeting of April 28, 2004.

**Commissioner Garcia** changed the sentence on page 12 that reads,

“Commissioner Garcia commented that the City is at a decision point for some of these things, and felt that the letter is very gentle and suggested stronger wording that would say that the City demand more information.”

to

“Commissioner Garcia commented that the City is at a decision point for some of these things, and felt that the letter is very genteel and suggested stronger wording that would say that the City demand more information.”

Chair Nitafan changed the sentence on page 8 that reads,

“Chair Nitafan complained that the Commission normally is provided the EIR document and this time, did not receive it.”

to

“Chair Nitafan pointed out that the Commission normally is provided the EIR document and this time, did not receive it.”

Chair Nitafan also changed the sentence on page 9 that reads,

“Chair Nitafan felt that the City should not spend any money on BART because people voted for BART.”

to

Chair Nitafan felt that the City should not spend any money on BART alternatives because people voted for BART only

**Motion** to approve the minutes.

M/S: Lalwani/Giordano

AYES: 7

NOES: 0

**V.  
ANNOUNCEMENTS**

**James Lindsay, Planning Manager**, announced that the City Attorney will provide a general overview of religious land use issues (RLUIPA) at the May 26<sup>th</sup> meeting as requested by the Commission.

Commissioner Garcia thanked staff for doing a great job on the appeal process for the Town Center/Safeway project and noted that staff did a good job of presentation to the City and established the process for public comment from the people that were appealing, as well as the respondents and for the public as well.

He also thanked Wiley and Deborah Rankin who filed the appeal and noted that they did a great job representing the public and starting a discussion that was appropriate for the City and felt that the City and the project is stronger as a result of the process.

**VI.  
APPROVAL OF  
AGENDA**

Chair Nitafan called for approval of the agenda.

There were no changes from staff.

**Motion** to approve the agenda.

M/S: Lalwani/Giordano

AYES: 7

NOES: 0

**VII.  
CONSENT CALENDAR  
Item No. 1**

Chair Nitafan asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Mr. Lindsay noted that staff would like to add Item No. 1 (Use Permit Amendment No. UA2004-5 and "S" Zone Approval Amendment No. SA2004-33) to the consent calendar. Staff is recommending approval of the item with eight conditions and the applicant is in full agreement with the recommendations and the conditions of approval.

The Commission agreed to add Item No. 1 to the consent calendar.

Chair Nitafan opened the public hearing on Consent Item No. 1.

There were no speakers from the audience.

**Close the public hearing on  
Consent Item No. 1**

**Motion** to close the public hearing on Consent Item No. 1.

M/S: Giordano/Sandhu

AYES: 7

NOES: 0

**Motion** to approve the consent calendar on Consent Item No. 1.

**\*1 USE PERMIT AMENDMENT NO. UA2004-5 AND "S" ZONE APPROVAL AMENDMENT NO. SA2004-33:** Request for a new 25-foot tall freestanding sign to replace an existing 20-foot tall monument sign for the Shell Gas Station located at 950 East Calaveras Boulevard (APN: 086-29-027), zoned Highway Service. Applicant: Arc, Inc. Project Planner: Staci Pereira, (408) 586-3278. (PJ #2366) *(Recommendation: Approval with Conditions)*

M/S: Sandhu/Lalwani

AYES: 7

NOES: 0

**VIII.  
ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:06 p.m. to the next regular meeting of May 26, 2004.

Respectfully Submitted,

James Lindsay  
Planning Commission  
Secretary

Veronica Rodriguez  
Recording Secretary